

REMARKS

In the final Office Action¹, the Examiner objected to claims 10 and 21-23, rejected claims 7, 10, 18, and 21 under 35 U.S.C. § 112, first paragraph; rejected claim 23 under 35 U.S.C. § 101; and rejected claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,792,113 to Ansell et al. ("*Ansell*") in view of U.S. Patent No. 6,954,830 to Yamada et al. ("*Yamada*").

By this Amendment, Applicant amends claims 1, 7, 12, 18, 22, and 23. Upon entry of this amendment, claims 1-4, 6-15, and 17-23 will be pending and under current examination.

Applicant respectfully traverses the objection to claims 10 and 21. The Examiner merely states, "the whole claims are incomprehensible" (Office Action at p. 2). However, the Examiner appears to expound on the alleged incomprehensibility in the rejection of claims 10 and 21 under 35 U.S.C. § 112, stating that the claims lack support in the specification (Office Action pp. 3-4). However, claim 10 recites "a content usage control apparatus according to claim 6, wherein the change limitation means charges fees for changing the maximum number of times identification information can be replaced." Page 34 of the specification states, "The limitation imposed on registration is allowed to be changed. For example, as a service which needs payment, the maximum number of times registration information may be allowed to be rewritten is changed from 5 to 10." Thus, payment can be required in order to change the maximum number of

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

times the registration information can be replaced, thus supporting the claimed “charg[ing] fees for changing the maximum number of times identification information can be replaced.” Claim 21 recites similar subject matter to claim 10 and is also fully supported by the specification. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection to claims 10 and 21.

Applicant respectfully traverses the objection to claim 22. The Examiner indicates that claim 22 depends from cancelled claim 16. Amended claim 22 depends from claim 12, thus obviating the objection.

Applicant respectfully traverses the objection to claim 23. The Examiner states that the term “information processor” is not supported in the original disclosure (Office Action at p. 2). However, FIG. 1 illustrates a CPU 101, and page 14 of the specification states, “[t]he content usage control apparatus 100 operates under the control of a CPU (Central Processing Unit) 101 serving as a main controller. That is, the content usage control apparatus 100 is operated by the CPU 101 by executing particular program code in a program execution environment provided by an operating system (OS).” Amended claim 23 recites a “processor.” Applicant submits that a central processing unit such as CPU 101 is a processor as understood by those skilled in the art, and claim 23 is fully supported in the specification.

Applicant respectfully traverses the rejection of claims 7 and 18 under 35 U.S.C. § 112, first paragraph. The Examiner alleges that the claimed “limitation is a minimum amount of time that must expire between replacing identification information” is not supported by the specification, pointing to the disclosure in the specification that “further changing of registration information is inhibited until a predetermined period of time

elapses" (Office Action at p. 3). While Applicant disagrees that inhibiting processing until a predetermined period of time has elapsed does not support the claimed "minimum amount of time," Applicant has amended claims 7 and 18 to recite a "predetermined" amount of time. Applicant therefore respectfully requests the Examiner to withdraw the rejection of claims 7 and 18 under 35 U.S.C. § 112.

Applicant respectfully traverses the rejection of claims 10 and 21 under 35 U.S.C. § 112. The Examiner alleges that claims 10 and 21 are not supported by the specification (Office Action at p. 3). However, as discussed above with respect to the objection to claims 10 and 21, the claims are fully supported by the specification. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 10 and 21 under 35 U.S.C. § 112.

Applicant respectfully traverses the rejection of claim 23 under 35 U.S.C. § 101. The Examiner indicates that claim 23 does not fall within any of the statutory classes under 35 U.S.C. § 101. However, claim 23 recites "[a] medium containing processor readable instructions for causing a processor to execute a process," and thus falls under at least the statutory category of an article of manufacture.

The Examiner also alleges that claim 23 does not recite a tangible result. However, claim 23 recites, "acquiring first identification information," "registering the first identification information," and "determining whether the use of the content is allowed on the basis of whether the first identification information is currently registered." Thus, the useful, concrete, and tangible result of determining whether the use of the content is allowed is achieved, and determining whether the use of the content is allowed is certainly a tangible result to a thwarted copyright infringer. Therefore, claim 23 is

statutory, and Applicant respectfully requests the Examiner to withdraw the rejection of claim 23 under 35 U.S.C. § 101.

Applicant respectfully traverses the rejection of claims 1-4, 6-15, and 17-23 under 35 U.S.C. § 103(a).

Independent claim 1, for example, recites a content usage control apparatus, comprising, among other things, a “change limitation means for preventing the registration means from further changing the first identification information in accordance with a limitation on changing identification information” and a “limitation modifying means for modifying the limitation on changing identification information.” The cited references fail to teach or suggest at least the claimed limitation modifying means.

The Examiner concedes that *Ansell* does not disclose modifying a limitation on changing identification information (Office Action at p. 6). *Yamada* fails to cure the deficiencies of *Ansell*. *Yamada* discloses a method for recording and storing data in a fault-tolerant manner (*Yamada*, abstract). The data can include motion images stored as a set of images which are then time-sequentially reproduced (*Yamada*, col. 1, lines 15-22), and the intervals between the time-sequential data can be modified (*Yamada*, col. 4, lines 49-60). However, intervals in time-sequential motion picture data are not a “limitation on changing identification information.” Indeed, the time-sequential data, or the intervals therein, are not “identification information” at all. *Yamada*, therefore, does not teach or suggest the claimed “limitation modifying means for modifying the limitation on changing identification information” as recited by independent claim 1.

Although of different scope, independent claims 12 and 23 distinguish over *Ansell* and *Yamada* for at least the same reasons as claim 1. Claims 2-4 and 6-11 depend from claim 1, and claims 13-15 and 17-22 depend from claim 12. As already discussed, the cited references fail to teach or suggest the claimed limitation modifying means.

Because the cited references fail to teach or suggest each and every claim element recited by claims 1-4, 6-15, and 17-23, no *prima facie* case of obviousness has been established with respect to these claims. Applicant therefore requests the Examiner to withdraw the rejection of these claims under 35 U.S.C. § 103(a).

In view of the foregoing remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 1-4, 6-15, and 17-23 are in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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